

REMARKS

In the Office Action dated February 1, 2007, the Examiner rejected claims 21-25 and 65-85 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-3, 5-11, 14, 15, 18-20, 26-29, 31, 32, 54-61, 63, 64, as well as 21-25, 65-69, 72-76, 78-82, 84, and 85 as far as they are definite, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,569,235 to Ross et al. (Ross); rejected claims 16, as well as 70 as far as it is definite, under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of U.S. Patent No. 4,4745,950 to Mathieu (Mathieu); rejected claims 17, as well as 71 as far as it is definite, under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Mathieu and U.S. Patent No. 4,638,668 to Leverberg et al. (Leverberg); allowed claims 33-53 and 86-97; and objected to claims 12, 13, 30, and 62 as being dependent upon a rejected base claim, but indicated that they contained allowable subject matter.

By this Reply, Applicants have amended claims 1, 21, 65, 77, and 78 and have canceled claims 14, 54-64, and 75. Claims 1-3, 5-13, 15-53, 65-74, and 76-97 are currently pending in this application. No new matter is added by this Reply.

At the outset, Applicants gratefully acknowledge the Examiner's allowance of claims 33-53 and 86-97, and the Examiner's indication that claims 12, 13, 30, and 62 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully traverse the Examiner's rejection of claims 21-25 and 65-85 under 35 U.S.C. § 112, second paragraph, as "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.” (Office Action at 2.) Applicants submit that these claim rejections have been rendered moot by Applicants’ amendment of claims 21 and 65. Claims 21 and 65 have been amended to more clearly define the invention. Accordingly, Applicants ask the Examiner to withdraw the § 112 rejections of claims 21-25 and 65-85.

Applicants respectfully traverse the Examiner’s rejection of claims 1-3, 5-11, 14, 15, 18-20, 26-29, 31, 32, 54-61, 63, 64, as well as 21-25, 65-69, 72-76, 78-82, 84, and 85 as far as they are definite, under 35 U.S.C. § 102(b) as being anticipated by Ross. Applicants submit that these claim rejections have been rendered moot by Applicants’ amendment of independent claims 1 and 65. Claim 1 has been amended to recite “said intermediate portion of the shut-off element being configured to deform symmetrically during the transition from said first operating condition to said second operating condition, said intermediate portion presenting a bellows shape to have constant radial dimension during axial deformation” (emphasis added). Support for the amendment to claim 1 can be found, for example, at page 15, line 8 - page 16, line 30 of the specification. Claim 65 has been amended to recite “said outer body of the main body having a lateral surface, the lateral surface presenting at least a through window, the outer body externally carrying a grip body having at least a radial protrusion passing through said through window, the radial protrusion engaging with an annular recess present on the core and joining the external body to the core of the main body” (emphasis added). Support for the amendment to claim 65 can be found, for example, at page 18, line 12 - page 19, line 15 of the specification and in Figs. 10-16.

To the extent these rejections apply to amended independent claims 1 and 65, Applicants submit that Ross does not teach each and every element of these claims.

Regarding amended independent claim 1, the Examiner contends that Ross discloses “a connection element comprising a main body (12) . . . a shut off element (24) . . . [having] an intermediate portion (26) that is deformable (Figure 3B).” (Office Action at 3.) Ross does not, however, disclose or suggest “said intermediate portion of the shut-off element being configured to deform symmetrically during the transition from said first operating condition to said second operating condition, said intermediate portion presenting a bellows shape to have constant radial dimension during axial deformation” (emphasis added), as recited in amended claim 1. The intermediate portion disclosed in Ross (see Fig. 3B) does not have a bellows shape and clearly does not maintain a constant radial dimension during axial deformation, as recited in amended claim 1. The intermediate portion disclosed in Ross deforms radially and in effect impedes the flow of fluid in the internal channel of the fluid passage when deformed. The shut-off element and intermediate portion recited in amended claim 1 provides for effective opening and closing of the fluid passage without such impediment in the open configuration. Thus, amended independent claim 1 is allowable over Ross. Accordingly, claims 2, 3, 5-13, and 15-32 are allowable at least due to their dependence from allowable claim 1.

Regarding claim 65, the Examiner contends that Ross discloses that “the sealing portion (28), the intermediate portion (26), and the fixing portion (30) are made of a single piece of elastomeric material (col. 3, line 25), a grip (surface of element 14 in figure 1), a protrusion (lip adjacent element 12 in figure 1), [and] a recess (cut out rim of element 16 in figure 1).” (Office Action at 4.) Ross does not, however, disclose or suggest “said outer body of the main body having a lateral surface, the lateral surface presenting at least a through window, the outer body externally carrying a grip body

having at least a radial protrusion passing through said through window, the radial protrusion engaging with an annular recess present on the core and joining the external body to the core of the main body” (emphasis added), as recited in amended claim 65. The outer body disclosed in Ross does not have any through windows for receiving radial protrusions that serve to join the outer body, core, and grip body, as recited in by amended claim 65. Thus, amended independent claim 65 is allowable over Ross. Accordingly, claims 66-85 are allowable at least due to their dependence from allowable claim 65.

Applicants also respectfully traverse the Examiner’s rejection of claims 16, as well as 70 as far as it is definite, under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Mathieu.

The Examiner rejected claims 16, as well as 70 as far as it is definite, under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Mathieu and rejected claims 17, as well as 71 as far as it is definite, under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Mathieu and Leverberg. Applicants disagree with the rejection of these claims under § 103(a), however, in order to expedite the prosecution of this application, Applicants point out that claims 16 and 17 both depend from allowable amended claim 1 (either directly or indirectly) and claims 70 and 71 both depend from allowable amended claim 65 (either directly or indirectly). Moreover, Applicants submit that Mathieu and Leverberg fail to overcome the above-mentioned deficiencies of Ross with respect to allowable amended claims 1 and 65. Accordingly, claims 16 and 17 are allowable at least due to their dependence from allowable amended claim 1, while claims 70 and 71 are allowable at least due to their

dependence from allowable amended claim 65. Thus, Applicants respectfully ask the Examiner to withdraw the § 103(a) rejection of claims 16, 17, 70, and 71.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 20, 2007

By: 
Aaron L. Parker
Reg. No. 50,785